

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 v.
6 CALEB MITCHELL ROGERS,
7 Defendant.

Case No.: 2:22-cr-00064-APG-EJY

**ORDER AFFIRMING REPORT AND
RECOMMENDATION REGARDING
MOTION TO DISMISS**

[ECF Nos. 50, 59]

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9 Defendant Caleb Rogers filed a motion to dismiss the charges against him based on the
10 Government's violation of his due process rights. ECF No. 50. Magistrate Judge Youchah
11 recommended that the motion to dismiss be denied. ECF No. 59. Mr. Rogers filed an objection
12 to that recommendation (ECF No. 67). I have conducted a *de novo* review of the motion to
13 dismiss and related papers as required by Local Rule IB 3-2(b). Judge Youchah's Report and
14 Recommendation sets forth the proper legal analysis and factual bases for the decision, and I
15 adopt it as my own.

16 I HEREBY ORDER that Magistrate Judge Youchah's Report and Recommendation
17 **(ECF No. 59) is accepted.** Mr. Rogers' motion to dismiss **(ECF No. 50) is denied** without
18 prejudice to renew his request for dismissal at the appropriate time.

19 DATED this 12th day of June, 2023.

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22 ANDREW P. GORDON
23 UNITED STATES DISTRICT JUDGE